

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 123

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S.P. 44

In Senate, January 29, 2013

### **An Act To Ensure Proper Anatomical Recovery of Human Bodies and Body Parts**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator CRAVEN of Androscoggin.  
Cosponsored by Representative KRUGER of Thomaston and  
Senators: CLEVELAND of Androscoggin, GRATWICK of Penobscot, HASKELL of  
Cumberland, SAVIELLO of Franklin, Representatives: LAJOIE of Lewiston, NELSON of  
Falmouth.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 710-C** is enacted to read:

3 **CHAPTER 710-C**

4 **ANATOMICAL RECOVERY ORGANIZATION ACT**

5 **§2971. Short title**

6 This chapter may be known and cited as "the Anatomical Recovery Organization  
7 Act."

8 **§2972. Definitions**

9 As used in this chapter, unless the context otherwise indicates, the following terms  
10 have the following meanings.

11 **1. Anatomical recovery.** "Anatomical recovery" means the recovery, processing or  
12 transfer of a body or body part that was donated in the State pursuant to chapter 710-B for  
13 the purposes of transplantation, therapy, research or education. "Anatomical recovery"  
14 does not include actions taken by the Chief Medical Examiner in the performance of the  
15 duties of the Chief Medical Examiner or the process for obtaining consent for an  
16 anatomical gift pursuant to chapter 710-B.

17 **2. Anatomical recovery organization.** "Anatomical recovery organization" means  
18 a nonprofit corporation that is engaged in anatomical recovery. "Anatomical recovery  
19 organization" does not include a hospital or an institution of higher education in this State  
20 that recovers a body or body part for its own use in transplantation, therapy, research or  
21 education and does not transfer the human body or body part to another person or entity.

22 **3. Body or body part.** "Body" or "body part" means a human body or an organ,  
23 tissue, eye, bone, blood vessel and other body part of a human body. "Body part" does  
24 not include blood except for blood that is donated for the purposes of research.

25 **4. Chief Medical Examiner.** "Chief Medical Examiner" has the same meaning as in  
26 section 2942, subsection 3.

27 **5. Institution of higher education.** "Institution of higher education" means a  
28 college or university located in the State that is accredited and approved for the granting  
29 of degrees at the postsecondary level by the Commissioner of Education.

30 **§2973. Requirement of registration as an anatomical recovery organization**

31 A person or entity that performs anatomical recovery in this State shall register with  
32 the department as an anatomical recovery organization and comply with all requirements  
33 imposed by rule adopted pursuant to section 2975. A person or entity that violates the  
34 requirements of this section commits a civil violation for which a fine of not more than  
35 \$1,000 may be adjudged. A person or entity that violates this section after having been

1 previously adjudicated as violating this section within the previous 5 years commits a  
2 civil violation for which a fine of not more than \$5,000 may be adjudged.

3 **§2974. Records; contract requirements**

4 An anatomical recovery organization shall maintain records of the receipt, use,  
5 processing, transplantation, transfer and disposal of all bodies and body parts. The  
6 records must document all donations pursuant to chapter 710-B, transfers and disposal of  
7 bodies and body parts. If the anatomical recovery organization transfers a body or body  
8 part to another person or entity, the anatomical recovery organization shall by contract  
9 require the receiving person or entity to report to the anatomical recovery organization in  
10 a timely manner on the receipt, use, processing, transplantation, transfer and disposal of  
11 all bodies and body parts received from the anatomical recovery organization.

12 **§2975. Rulemaking**

13 The department shall adopt rules to implement this chapter. The rules must include  
14 but are not limited to rules regarding duration of registration of an anatomical recovery  
15 organization, registration fees, maintenance of records, inspection of records and the  
16 premises of an anatomical recovery organization by the department, qualifications of  
17 staff, documentation of consent to donation of all bodies and body parts, documentation  
18 of the persons or entities from which anatomical recovery organizations accept bodies  
19 and body parts, documentation of all transfers of bodies and body parts to other persons  
20 or entities and the use and disposal of the bodies and body parts and procedures for  
21 correction of deficiencies and revocation of registration. Rules adopted pursuant to this  
22 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

23 **SUMMARY**

24 This bill enacts the Anatomical Recovery Organization Act to require a person or  
25 entity that performs anatomical recovery in this State to register as an anatomical  
26 recovery organization. The bill provides penalties for performing anatomical recovery  
27 without having registered. The bill requires records to be kept on the receipt, use,  
28 processing, transplantation, transfer and disposal of all human bodies and body parts.  
29 The bill authorizes the department to adopt routine technical rules to implement the  
30 chapter.